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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/800,772 | 03/07/2001 | Teemu Puskala | 4925-84 | 8387 |

7590

01/30/2004

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EXAMINER

HOTALING, JOHN M

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 01/30/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application N . | | Applicant(s) | |
| | 09/800,772 | | PUSKALA, TEEMU | |
| | Examiner | | Art Unit | |
| | John M Hotaling II | | 3713 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al US Patent Application Publication 2002/0112014 in view of Kotzin et al US Patent 6,470,180 and Jamtgaard et al US Patent 6,430,624. Bennett discloses all of the instant application but lacks in specifically disclosing exact types of messages and a means for modifying the message based on the terminal capabilities. Instead Bennett discloses that the system may be used to unite different platforms, messaging formats, geographic locations, cellular technologies and/or messaging types using a common point of entry exchange and application with transparency and seamless message sending to the sender and one or more message recipients. Paragraph 33 discloses that other connectivity options are possible. Paragraph 103 states that the process may be used in participation in a game. In an analogous invention Kotzin discloses the use of wireless digital networks in gaming and that gaming may consist of one or more players communication with other player or computer systems to conduct a game (Column 1). Column 2 discloses that a hand held wireless device may include for example, cellular phones, pagers, radios, personal digital assistants PDA's, notebook or laptop computers with wireless modems, mobile data terminals, application specific

gaming devices, and video gaming devices incorporating wireless modems, etc.

Column 4 disclose that the handheld wireless devices may be capable of sending and receiving data and that the data may be any variety of information such as information specific to a particular handheld wireless device, including gaming information, general information, textual information, commands, audio etc. In an analogous information content delivery system, Jamtgaard discloses that it is known to have a content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications. The system also delivers Web-based content, commerce, enabling transactions, and services to a variety of information appliances and devices without requiring the re-authoring of the content information for display on each of these different devices. Additionally, the system allows the formatted content to be output in and mark-up language and protocol, such as WML, HTML, HDML, XML, etc. and can be optimally formatted for display on the devices according to the input/output format, such as the display screen size parameters of the devices. With respect to the feature where text is displayed instead of an image, this feature is a well known attribute of HTML and is an attribute of an image tag. The specific messages and categories are an obvious matter of choice well within the capabilities of one skilled in the art. Jamtgaard discloses that it is known to have a content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications. With respect to the motivation to combine the references please see above. It would be obvious to one of ordinary skill in the art at

the time of the invention to combine the game system of Bennett, which transmits game related messages, with the types of gaming messages as disclosed by Kotzin with the known delivery system of Jamtgaard which discloses content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7777.

JOHN M. HOTALING, II
PRIMARY EXAMINER

January 28, 2004

